

DOCKET NO: 250874US2X DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

AKIKO MIYAHARA, ET AL.

: EXAMINER: LEUNG, P

SERIAL NO: 10/810,834

: GROUP ART UNIT: 3742

FILED: MARCH 29, 2004

FOR: INDUCTION HEATING TYPE
FIXING DEVICE FOR AN IMAGE
FORMING APPARATUS AND
INDUCTION HEATING COIL THEREFOR

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

COMMISSIONER FOR PATENTS

ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction and Election Requirements dated August 18, 2004,

Applicants provisionally elect with traverse Group (Invention) I and Claims 15-72 and 76-79 of the elected invention, and further provisionally elect with traverse the Species of Figure 18, and identify Claims 15, 19, 21, 22, 56, 57, 60, 61 and 66 as readable on the elected Species.

Applicants respectfully traverse both the Restriction and Election of Species Requirements for the following reason.

M.P.E.P. § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Therefore, Applicants respectfully traverse the outstanding Restriction and Election

Requirements on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Accordingly, an action on the merits is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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